

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
2009 OCT -7 PM 5:12

UNITED STATES OF AMERICA)

v.)

CASE NO. CR408-368

MICHAEL ANTHONY GRANT and)
STACY MAURICE BENTON,)

Defendants.)

O R D E R

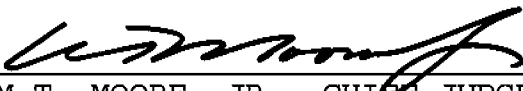
Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 67), to which objections have been filed (Docs. 69 & 71). After a careful de novo review and consideration of Defendants' objections,¹ the Court concurs with

¹ Most of Defendants' objections are contestations of the Magistrate Judge's credibility determinations, or legal arguments that are squarely foreclosed by precedent already recited in the Magistrate Judge's Report and Recommendation. (Docs. 69 & 71.) Accordingly, other than expressing concurrence with the Magistrate Judge subsequent to its careful de novo review, the Court does not address these issues further.

However, Defendant Benton raises an objection on the basis of the recent Supreme Court case Arizona v. Gant, ___ U.S. ___, 129 S. Ct. 1710 (2009), which was not addressed in the Magistrate Judge's Report and Recommendation. Gant, however, does not change the outcome of Defendants' Motion to Suppress. Gant specifically held open the "established exceptions to the warrant requirement," including the exception set forth in United States v. Ross, 456 U.S. 798 (1982). Gant, 129 S. Ct. at 1721. Ross recognized the automobile exception, which allows officers to search an automobile for contraband when they have probable cause to believe the vehicle contains contraband. 456 U.S. at 804-10. Not only is the legal principle in Ross, which was reaffirmed in Gant, squarely applicable to this case, this case is factually indistinguishable from Ross. In Ross, as in this case, a trusted informant identified a contraband laden car

the Magistrate Judge's Report and Recommendation. Accordingly, Court **ADOPTS** the Report and Recommendation as the Opinion of this Court.

SO ORDERED this 7th day of October, 2009.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

to police, who found and searched the car, and recovered the reported contraband without a warrant. Accordingly, Gant is of no help to Defendants here.